

14764. Adulteration and misbranding of butter. U. S. v. 14 Cases of Butter. Product released under bond to be reworked. (F. & D. No. 21011. I. S. Nos. 6675-x, 7430-x. S. No. E-5706.)

On or about March 25, 1926, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 cases of butter, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped from the Maury County Cooperative Creamery Assoc., Columbia, Tenn., on or about March 16, 1926, and transported from the State of Tennessee into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Maury County Maid Fancy Creamery Butter * * * Maury County Co-Op. Cry. Assn. Columbia, Tennessee."

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that an article which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the packages containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, whereas it did not so consist but did consist of a product deficient in milk fat. Misbranding was alleged for the further reason that the statement "Butter," borne on the label, was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law, whereas it was a product which contained less than 80 per cent by weight of milk fat.

On April 9, 1926, the Maury County Cooperative Creamery Assoc., Columbia, Tenn., having appeared as claimant for the property and having executed a bond in the sum of \$378, conditioned in part that the product be reworked and relabeled to comply with the law, and the court having found that the said product had been reworked and complied with the Federal food and drugs act, an order was entered providing for payment of the costs by the claimant and the dismissal of the libel.

W. M. JARDINE, *Secretary of Agriculture.*

14765. Adulteration of canned succotash and canned peas. U. S. v. 26 Cases of Succotash, et al. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 20821, 20823, 20825, 21216, 21217, 21243. I. S. Nos. 6981-x, 6982-x, 6986-x, 8235-x, 8238-x, 8275-x. S. Nos. E-5631, E-5632, E-5633, E-5797, E-5823, E-5824.)

On or about February 5 and August 11 and 23, 1926, respectively, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 47 cases of canned succotash and 325 cases of canned peas, remaining in the original unbroken packages at Scranton, Pa., alleging that the articles had been shipped by the Knoxboro Canning Co., from Oriskany Falls, N. Y., in various consignments, on or about October 24, 26, and 28, 1925, and March 19, 1926, respectively, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The articles were labeled, variously: "Knoxboro Brand Succotash * * * Knoxboro Canning Co. Knoxboro, N. Y."; "White Mountain Brand Succotash * * * New Hartford Canning Co. New Hartford, * * * N. Y."; "Knoxboro Brand Golden Succotash * * * Knoxboro Canning Co. Knoxboro, N. Y."; "Golden Eagle Brand Sweet Wrinkled Peas * * * Knoxboro Canning Co. Knoxboro * * * N. Y."; "White Mountain Brand Sweet Peas * * * New Hartford Canning Co. New Hartford, * * * N. Y."; "Knoxboro Brand Sweet Peas * * * Knoxboro Canning Co. Knoxboro, N. Y."

Adulteration of the articles was alleged in the libels for the reason that a substance, to wit, saccharin, had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality and strength and had been